

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JULY 15, 2104**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Phil Sutherland and Commissioner Ellen Townson. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

4 Inwood Lane

Staff Recommendation: Approve as Neg. 3 and Neg.6

Public Hearing on a Request for Determination of Applicability filed by Doreen Jiang and Zhaoda Zhang under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of an existing septic system at **4 Inwood Lane**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA only for standard septic replacement. There are no changes in contours as the rear yard is flat. There is a large sink hole proximate to the septic system which will be addressed while the new system is installed.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Approve as Neg. 3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

1 Burt Road

Present in Interest: David Saley, Sandy Brock, Peter Maroney and Gary Giaconi

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by Pfizer, Inc. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed planting and restoration of a degraded area at **1 Burt Road**.

Mr. Douglas presented this to the Commission. The project is more than 50 feet from the wetland and is an improvement to the site. The Applicants are returning a previously disturbed area to a lawned area and removing 2 temporary buildings. Fill and 6 inches of top soil will be put down and then hydrosseeded.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner Sutherland and unanimously approved.

307R Lowell Street

Staff Recommendation: Continue to August 5, 2014.

Public Hearing on a Request for Determination of Applicability filed by Lowell Street Investments LLC under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed regrading and paving of 2000 square feet for compensatory parking at **307R Lowell Street**.

Mr. Douglas presented this to the Commission. The Applicant has requested a continuance to August 5, 2014.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to continue to August 5, 2014; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

18 Red Spring Road

Staff Recommendation: Issue Order of Conditions.

Issuance of the Order of Conditions.

After much discussion regarding activity within the Riverfront, how this is interpreted under the WPA and the making of a blanket statement regarding the Riverfront, the finding regarding the Riverfront was amended as follows:

“FINDING – RIVERFRONT AREA. The Conservation Commission finds that despite the proposed work being located within the two hundred Riverfront Area, (The site is proximate to Shawsheen river), the site the Commission makes the **finding** that due to specific language within the wetland protection act, **the location of the specific work subject to this Notice of Intent** it is not considered Riverfront Resource Area by the Commission. (WPA Chapter 131 Section 40, paragraph 15). *“The riverfront area shall not include land now or formerly associated with historic mill complexes including, but*

not limited to, the mill complexes in existence prior to nineteen hundred and forty-six and situated landward of the waterside facade of a retaining wall, building, sluiceway, or other structure existing on the effective date of this act.” Specifically, the entirety of the proposed site work is landward of a retaining wall and/or a mill building on the effective date of the act. The Redman Card mill has been in active production as recently as last year (2013). The Commission makes no finding regarding the presence or absence of jurisdictional Riverfront Resource Area or any other jurisdictional resource areas elsewhere on this property or on nearby property. Neither does the Commission make any findings regarding whether or not other work which may be proposed on the property or nearby property not included in this Notice of Intent would be in jurisdictional resource areas.”

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to issue the Order of Conditions with the amendment discussed; it was seconded by Commissioner Porter and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from July 5, 2014.

189 High Plain Road

Issuance of Satisfactory Completion of Work Certificate.

17 Old School House Road

Issuance of a Satisfactory Completion of Work Certificate.

Commissioner Sutherland made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

AVIS/Ironstone Farm

Present in Interest: Susan Stott, Deidee O’Brien, Mike Timko and Amy Janovsky

Discussion regarding proposed land exchange between AVIS and Ironstone Farm. Ironstone will convey to AVIS parcel 197-11D and AVIS will convey to Ironstone Farm parcels 197-13D and 197-13M. This is the exchange of a one acre railroad bed which is the last link to the Bay Circuit Trail.

Commissioner Porter made a Motion to support the land exchange; it was seconded by Commissioner Driscoll and unanimously approved.

Forestry Management Program

Commissioner Porter informed the Commission that the final approved Forestry Management Plans were submitted to the State on June 26, 2014. Changes or revisions to the Plans can still be made.

Commissioner Porter made a Motion to approve three Forestry Stewardship Plans; it was seconded by Commissioner Driscoll and unanimously approved.

Tennessee Gas Pipeline

Present in Interest: Susan Stott, Deidee O'Brien, Mike Timko, Amy Janovsky, Peter Ellis, Tracie Fountes, George Fountes and Matt McConnell.

Chairman Cooper recused himself and left the meeting.

Commissioner Porter made a Motion to allow Commissioner Driscoll to be the lead on behalf of the Commission; it was seconded by Commissioner Townson and unanimously approved.

Mr. Douglas attended a meeting in another community. The Commission has a vested responsibility to take care of conservation property. The project will go through Fish Brook which is our watershed. Mr. Douglas will write a position letter regarding the protection of Fish Brook and other conservation properties to the selectmen, state representatives and Kinder Morgan. Commissioner Porter made a Motion to authorize staff to write a position letter; it was seconded by Commissioner Driscoll and unanimously approved.

10 Towns have banned surveying on Town owned land and 2 Towns have banned the pipeline outright.

Amy Janovski informed the Commission that she been on the FERK website and spoke with them. There is no project until the filing of the pre-application. She was informed that Kinder Morgan has no right to survey property now because there is no project. Amy was also told to be very specific when asking questions, such as how many trees. She suggested also that the Conservation Commission to any cutting on conservation property that is necessary and retain the timber.

Susan Stott informed the Commission that AVIS has denied permission for surveying on AVIS land. She asked that the Commission express their viewpoint to the Selectmen. She also informed the Commission of the Middlesex County Coalition and suggested Andover join. The Town is reviewing alternative routes.

Commissioner Porter would like to deny surveying for now.

Matt O'Connell asked if DPW would be looking at any proposed or alternate routes.

Commissioner Driscoll made a Motion to prohibit Kinder Morgan, Tennessee Gas Pipeline, Northeast Energy Direct, their agents and/or representatives and any other entities from surveying, tree cutting, clearing, bore hole drilling or any other disturbance of the land owned by the Town of Andover and under the care and custody of the Conservation Commission; and oppose the installation of any pipeline on any land owned by the Town of Andover under and

care and custody of the Conservation Commission; it was seconded by Commissioner Porter and unanimously approved.

26 Orchard Street/8 Moreland Street

Update on Enforcement Orders issued. One of the property owners has requested a site visit which will take place at 9:00am July 6, 2014.

6 Harper Circle

Issuance of an Emergency Certification for a sink hole in a common driveway due to collapsed culvert.

Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner Sutherland and unanimously approved.

Eagle Scout Project

Present in Interest: Sean Roselle and Kevin Roselle

Sean presented his Eagle Scout project at Wood Hill. A 40 foot bridge over a creek on the Bay Circuit Trail will be built near Wood School. The bridge will not touch the water. All cutting will be done off site or on tarps. There will be 2 small trees removed along the trail. Sean provided a handout of the design and materials needed.

Commissioner Cooper asked Sean to contact Al French to let him know about the project. Also, weight limits signage to be added on each end of the bridge.

Commissioner Driscoll made a Motion to find the project insignificant to the Wetlands Protection Act and to contact Al French; it was seconded by Commissioner Porter and unanimously approved.

The next meeting will be held August 5, 2014 at 7:45pm.

The meeting was adjourned at 9:45 pm by Motion of Commissioner Driscoll and seconded by Commissioner Porter and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**